

SANDRA TOCCI, as Special Administrator)
and Personal Representative of the Estate of) CASE NO.: 2:22-cv-02174-GMN-DJA
Frank E. Tocci, Deceased; and SANDRA)
TOCCI, as Heir and Mother of FRANK E.)
TOCCI, Deceased.)
)
)
Plaintiff,)
)
vs.)
)
CORECIVIC, INC., f/k/a/ CORRECTIONS)
CORPORATION OF AMERICA;; BRIAN)
KOEHN, Warden, Nevada Southern Detention)
Center; DOE INDIVIDUALS I—X; ROE)
ENTITIES I—X, inclusive,)
)
)
Defendants.)
)

Pursuant to Federal Rule of Civil Procedure 26(f), on May 1, 2023, and June 1, 2023, the parties participated in Rule 26(f) conference. On May 15, 2023, they filed their Stipulated Discovery Plan and Scheduling Order (Dkt 24). On May 17, 2023, the Court Denied it and ordered the parties to file an amended plan in compliance with its order (Dkt 25). The following contains the parties' stipulated discovery plan and scheduling order and addresses the items highlighted in

the Court's Order. . The parties request an eight (instead of the six-month period contemplated by LR 26-1(b)(1)) month discovery period. The parties believe that a slightly longer discovery period should be provided here as this is a death case that will involve significant discovery.

PROPOSED DISCOVERY PLAN:

1. The parties conducted a Fed. R. Civ. P. 26(f) conference on May 1, 2023, and June 1, 2023. Pursuant to the Fed.R.Civ.P.26(f) conference, the parties agree that they will submit their initial disclosures on or before June 30, 2023.
2. **Fact Discovery Cut-Off:** The first Defendant appeared on December 30, 2022. Defendants answered Plaintiff's FAC on April 13, 2023. The parties request that the Court calculate the discovery period from the date of the recent conference (June 1, 2023). Using this date, and an 8-month discovery period, discovery shall close February 1, 2024.
3. **Amendment of Pleadings and Addition of Parties:** August 1, 2023.
4. **Expert Discovery:** Plaintiff's expert disclosures are due November 2, 2023. Defendants' expert disclosures are due December 4, 2023. Rebuttal Expert disclosures are due January 3, 2024.
5. **Dispositive Motions:** February 28, 2024.
6. **Joint Pretrial Order:** 30 days after the dispositive motion deadline. If dispositive motions are filed, the deadline for filing the joint pretrial order will be suspended until 30 days after the decision on the dispositive motions or further court order.
7. **Rule 26(a)(3) Disclosures:** These disclosures, and any objections to them, must be included in the joint pretrial order.
8. **Alternative Dispute Resolution:** The parties met and conferred regarding the possibility of using alternative dispute-resolution processes. While the parties do not currently

request that a mediation or ENE be scheduled, in the event they believe it may prove fruitful, they will seek Court guidance to schedule.

9. **Alternative Forms of Case Disposition:** The parties certify that they considered consent to trial by a Magistrate judge under 28 U.S.C. Sec. 636(c) and Fed.R.Civ.P.73, and the use of the Short Trial Program (General Order 2013-01). The parties do not consent.

10. **Electronic Evidence:** The parties certify that they discussed whether to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties anticipate they will.

/s/ Michael I. Gowdey
MICHAEL I. GOWDEY, ESQ.
Nevada Bar No. 6994
Law Offices of Michael I. Gowdey, Ltd.
815 S. Casino Center Blvd
Las Vegas, NV 89101
Attorney for Plaintiff
SANDRA TOCCI, Individually and
as Special Administrator of the Estate

/s/ Ashlee B. Hesman (w/ permission)
ASHLEE B. HESMAN, ESQ.
Nevada Bar No. 12740
Struck Love Bojanowski & Acedo, PLC
3100 W. Ray Road, Ste. 300
Chandler, AZ 85226
Attorneys for Defendants CoreCivic and Koehn

Dated: 06/05/2023

Dated: 06/05/2023

ORDER

IT IS SO ORDERED that the parties' amended second proposed discovery plan and scheduling order (ECF No. 28) is GRANTED

IT IS FURTHER ORDERED that the parties' second proposed discovery plan and scheduling order (ECF No. 27) is DENIED as moot.

DATED this 13th day of June 2023.



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE